In the Claims:[1]

Please amend claims 6, 8, 10, 11, 15, 17, 18 and 20 as follows:

1. (Previously amended and allowed) An isolated p53 binding region of a human CD95 receptor DNA, wherein p53 may activate the CD95 receptor DNA by binding to the p53 binding region, the isolated p53 binding region comprising SEQ ID NO. 2, SEQ ID NO. 3, SEQ ID NO. 4, SEQ ID NO. 1, SEQ ID NO. 6, SEQ ID NO. 7, SEQ ID NO. 8, SEQ ID NO. 9, SEQ ID NO. 11, SEQ ID NO. 13, SEQ ID NO. 15, SEQ ID NO. 17, SEQ ID NO. 19, SEQ ID NO. 25, SEQ ID NO. 27, SEQ ID NO. 29, SEQ ID NO. 31, SEQ ID NO. 24 or SEQ ID NO. 32.

2. (Previously amended and allowed) An isolated p53 binding region of a human CD95 receptor DNA, wherein p53 may activate the CD95 receptor DNA by binding to the p53 binding region, the isolated p53 binding region consisting of SEQ ID NO. 10, SEQ ID NO. 12, or SEQ ID NO. 14.

3. (Previously cancelled)

4. (Previously amended and allowed) A vector comprising at least one of the p53 binding region according to claim 1.

5. (Previously amended and allowed) The vector according to claim 4, wherein the vector is selected from the group consisting of CD95(Ps)-LUC, CD95(P)-LUC, CD95 (I+SV)-LUC, CD95(Ps+I)-LUC, p1139, p1140, p1141, p1142, p1140 IMI, p1140 IMII, p1140 IMIII, p1140 IMIV, p1141 IMIII, p1141 1p53, p1141 2p53, p1141 3p53, p1141 ΔBgl, p1141 ΔSpe, p1141 ΔMph, p1142 TAG, p1142 IMIII, p1142 ΔBgl, p1142 ΔSpe, and p1142 ΔMph.

6. (Currently amended) A method of using an isolated p53 binding region according to claim 1 to determine a chemotherapeutic substance that causes transcription of CD95 receptor DNA ~~identify apoptosis-influencing substances~~, the method comprising:

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[1] Consistent with the holding of Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., et al., 535 U.S. U.S. 722, 152 L.Ed.2d 944 (2002), decided May 28, 2002, any amendments herein that hereafter are deemed to be narrowing amendments by a court of competent jurisdiction in a final unappealed or unappealable decision, are not intended to relinquish any scope of equivalents unforeseeable at the time of this amendment or that relate to aspects of the invention having only a peripheral relation to the basis for the amendment.

introducing an isolated p53 binding region according to claim 1 and a reporter gene into a tumor cell by means of an expression vector comprising same ~~into a vector and to produce an expression vector;~~

~~transfecting a tumor cell with the expression vector;~~

treating the tumor cell with the ~~a~~ chemotherapeutic substance ~~agent~~; and

determining if the chemotherapeutic substance caused the transcription of the CD95 receptor DNA by measuring the level of the reporter gene ~~agent influences apoptosis by measuring level of living cell fraction~~.

7. (Currently cancelled)

8. (Currently amended) The method according to claim ~~7~~ 6, wherein the method comprises an assay ~~the influence takes place on the basis of a diagnosis and/or therapy of diseases~~.

9. (Currently cancelled)

10. (Currently amended) A process for measuring transcription of CD95 receptor DNA ~~of influencing apoptosis~~, the process comprising:

introducing an isolated p53 binding region according to claim 1 and a reporter gene into a tumor cell by means of an expression vector comprising same;

treating the tumor cell with the ~~a~~ chemotherapeutic substance ; and

measuring the level of transcription of the CD95 Receptor DNA

~~activating at least one of the p53 binding region of a CD95 receptor DNA according to claim 1 with p53~~.

11. (Currently amended) The process according to claim 10, wherein the influence takes place on the basis of ~~a diagnosis~~ an assay.

12. (Previously cancelled)

13. (Previously added and allowed) A vector comprising at least one isolated p53 binding region of a CD95 receptor DNA, wherein p53 may activate the CD95 receptor DNA by binding to the p53

binding region, and wherein the isolated p53 binding region consists of SEQ ID NO. 10, SEQ ID NO. 12, or SEQ ID NO. 14.

14. (Previously added and allowed) The vector according to claim 13, wherein the vector is selected from the group consisting of CD95(Ps)-LUC, CD95(P)-LUC, CD95 (I+SV)-LUC, CD95(Ps+I)-LUC, p1139, p1140, p1141, p1142, p1140 IMI, p1140 IMII, p1140 IMIII, p1140 IMIV, p1141 IMIII, p1141 1p53, p1141 2p53, p1141 3p53, p1141 ΔBgl, p1141 ΔSpe, p1141 ΔMph, p1142 TAG, p1142 IMIII, p1142 ΔBgl, p1142 ΔSpe, and p1142 ΔMph.

15. (Previously added and currently amended) ~~A~~ An in vitro method of using an isolated p53 binding region according to claim ~~2~~ 1 to determine a chemotherapeutic substance that causes transcription of CD95 receptor DNA ~~identify apoptosis-influencing substances~~, the method comprising:

introducing an isolated p53 binding region according to claim ~~2~~ 1and a reporter gene into a tumor cell by means of an expression vector comprising same ~~into a vector and to produce an expression vector;~~

~~transfecting a tumor cell with the expression vector;~~

treating the tumor cell with the ~~a~~ chemotherapeutic substance ~~agent~~; and

determining if the chemotherapeutic substance caused the transcription of the CD95 receptor DNA by measuring the level of the reporter gene ~~agent influences apoptosis by measuring level of living cell fraction~~.

16. (Currently cancelled)

17. (Previously added and currently amended) A method to determine if a tumor cell treated with a proposed chemotherapeutic substance causes ~~responds to~~ p53 induction thereby activating transcription of CD95 receptor DNA ~~to influence apoptosis~~, the method comprising:

(a) introducing an isolated p53 binding region in combination with a reporter DNA according to claim 1 into a vector to produce an expression vector;

(b) transfecting the tumor cell with the expression vector;

(c) transfecting the tumor cell with a vector comprising p53 under the control of a constitutively active promoter;

(d) treating the tumor cell with the proposed ~~a~~ chemotherapeutic substance ~~agent;~~ and

(e) determining level of expression of reporter DNA to determine level of transcription of the CD95 receptor DNA ~~which apoptosis relative to a control tumor cell that has not been transfected with the expression vector of (a)~~.

18. (Previously added and currently amended) A method to determine if a tumor cell responds to p53 induction by a chemotherapeutic agent to influence apoptosis, the method comprising:

(a) introducing an isolated p53 binding region according to claim ~~2~~ 1 in combination with a reporter DNA into a vector to produce an expression vector;

(b) transfecting a tumor cell with the expression vector;

(c) treating the tumor cell with the ~~a~~ chemotherapeutic agent;

(d) determining level of expression of reporter gene which correlates to binding of p53 to p53 binding regions thereby inducing transcription of reporter gene; and ~~level of apoptosis relative to a control tumor cell that has not been transfected with the expression vector of (a)~~.

(e) measuring the level of living cell fraction to determine correlation between expression of reporter gene and cell death.

19. (Currently cancelled)

20. (Previously added and currently amended) A method of investigating the efficacy of a chemotherapeutic agent to cause transcription of CD95 receptor DNA ~~in~~, the method comprising:

introducing an isolated p53 binding region according to claim 1 and a reporter gene into a tumor cell which expresses p53 by means of an expression vector comprising same ~~into a vector and to produce an expression vector;~~

~~transfecting a tumor cell with the expression vector;~~

treating the tumor cell with the ~~a~~ chemotherapeutic agent; and

determining if the chemotherapeutic agent caused the transcription of the CD95 receptor DNA by measuring the level of the reporter gene ~~level of apoptosis relative to a control tumor cell that has not been transfected with the expression vector of (a).~~

21.- 26. (Currently cancelled)